

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/17/16

Action: Do Pass.

Meeting Dates: 02/17

Vote:

Yeas: 7 - Barker, Greenlick, Krieger, Lininger, Olson, Post, Vega Pederson

Exc: 2 - Barton, Sprenger

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Prohibits person from impersonating individual with intent to injure individual and intent to deceive third party by communicating that person is individual and reasonable person would believe third person is communicating with individual. Requires impersonation to cause injury to individual. Defines injury. Makes criminal impersonation Class A misdemeanor and creates statutory private cause of action. Clarifies language of criminal impersonation of public servant.

ISSUES DISCUSSED:

- Technical changes to former criminal impersonation statute
- Limited avenues for prosecution
- Measure allows for in person and online impersonation
- Following on revenge porn measures in 2015 session
- Personal experiences with third party impersonation

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Impersonation is when a person intentionally poses as an individual without permission and with the intent to injure the individual by communicating to a third party with the intent to deceive the third party that the person is the individual. This impersonation is currently not prohibited in the criminal code of Oregon. Identity theft does not prohibit this criminal conduct as it only applies to acts that defraud or deceive to gain an unwarranted advantage. This conduct is also not prohibited by Computer Crime as that statute contains financial elements.

Senate Bill 1567 makes this impersonation a Class A misdemeanor. It also creates a statutory private cause of action for victims harmed by this impersonation. Additionally, the measure clarifies language contained in criminal impersonation of a public servant.